

**FILED**

JUL 12 2011

**Board of Vocational Nursing  
and Psychiatric Technicians**

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT-2009-45

**JUSTIN PAUL MORANVILLE**  
PO Box 996  
Atascadero, CA 93423

**A C C U S A T I O N**

Psychiatric Technician License No. PT 31145

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about January 3, 2002, the Board issued Psychiatric Technician License No. PT 31145 to Justin Paul Moranville (Respondent). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2011, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

**STATUTORY PROVISIONS**

4. Section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 4545, the Board may renew an expired license at any time within four (4) years after the expiration.

5. Section 490 provides that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of a licensed psychiatric technician.

6. Section 4520 provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

7. Section 4521 states, in pertinent part:

"The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

"(a) Unprofessional conduct, which includes but is not limited to any of the following:

....

"(5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(6) Be convicted of a criminal offense involving the falsification of records concerning prescription, possession, or consumption of any of the substances described in paragraphs (4) and (5), in which event the record of the conviction is conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

....

1       "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
2 violation of, or conspiring to violate any provision or terms of this chapter.

3       "(e) Giving any false statement or information in connection with an application.

4       "(f) Conviction of any offense substantially related to the qualifications, functions, and  
5 duties of a psychiatric technician, in which event the record of the conviction shall be conclusive  
6 evidence of the conviction. The board may inquire into the circumstances surrounding the  
7 commission of the crime in order to fix the degree of discipline.

8       . . . . .

9       "(n) The commission of any act involving dishonesty, when that action is substantially  
10 related to the duties and functions of the licensee. . . ."

### 11                                   **REGULATORY PROVISIONS**

12       8. California Code of Regulations, title 16, section 2578 states, in pertinent part:

13       "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5  
14 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be  
15 considered to be substantially related to the qualifications, functions or duties of a licensed  
16 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a  
17 licensed psychiatric technician to perform the functions authorized by his license in a manner  
18 consistent with the public health, safety, or welfare. . . ."

### 19                                   **COST RECOVERY**

20       9. Section 125.3 provides, in pertinent part, that a Board may request the administrative  
21 law judge to direct a licensee found to have committed a violation or violations of the licensing  
22 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
23 case.

### 24                                   **FIRST CAUSE FOR DISCIPLINE**

#### 25                                   **(Convictions of Substantially Related Crimes)**

26       10. Respondent is subject to disciplinary action under sections 490 and 4521, subdivision  
27 (f), in conjunction with California Code of Regulations, title 16, section 2578, in that Respondent  
28 was convicted of crimes substantially related to the qualifications, functions or duties of a

1 licensed psychiatric technician which to a substantial degree it evidence his present or potential  
2 unfitness to perform the functions authorized by his license in a manner consistent with the public  
3 health, safety, or welfare, as follows:

4 a. On or about December 2, 2009, after pleading nolo contendere, Respondent was  
5 convicted of one misdemeanor count of violating Vehicle Code section 14601.1(a) [driving while  
6 license is suspended] in the criminal proceeding entitled *The People of the State of California v.*  
7 *Justin Paul Moranville* (Super. Ct. San Luis Obispo County, 2009, No. M000440902). The Court  
8 placed Respondent on two (2) years of probation. The circumstances underlying the conviction  
9 are that on or about October 5, 2009, Respondent drove a vehicle when his driver's license was  
10 under suspension.

11 b. On or about November 30, 2009, after pleading nolo contendere, Respondent was  
12 convicted of violating the added misdemeanor count of Vehicle Code section 23103(a) [wet  
13 reckless, with a BAC 0.08%] in the criminal proceeding entitled *The People of the State of*  
14 *California v. Justin Paul Moranville* (Super. Ct. San Luis Obispo County, 2009, No.  
15 M000435281). The Court placed Respondent on 18 months of probation, and ordered him to  
16 attend a First Offender DUI Program. The circumstances underlying the conviction are that on or  
17 about July 11, 2009, Respondent was driving a vehicle while he was under the influence of  
18 alcohol, and having a tested blood alcohol content level of 0.08%.

19 c. On or about June 12, 2007, after pleading nolo contendere, Respondent was convicted  
20 of one misdemeanor count of violating Vehicle Code section 20002 [hit and run] in the criminal  
21 proceeding entitled *The People of the State of California v. Justin Paul Moranville* (Super. Ct.  
22 San Luis Obispo County, 2007, No. M000392247). The Court sentenced Respondent to two (2)  
23 days in jail, and placed him on 18 months of probation. The circumstances underlying the  
24 conviction are that on or about July 29, 2006, Respondent drove his vehicle into a tree, and left  
25 the scene and the vehicle lying on its passenger side in a ditch.

26 ///

27 ///

28 ///



1 statement on his May 31, 2009, license renewal application. Complainant refers to and by this  
2 reference incorporates the allegations set forth above in paragraphs 10, subparagraph c, and 13,  
3 inclusive, as though set forth fully.

#### 4 **SIXTH CAUSE FOR DISCIPLINE**

##### 5 **(Unprofessional Conduct - Violating Psychiatric Technicians Law)**

6 15. Respondent is subject to disciplinary action under section 4521, subdivisions (a) and /  
7 or (d), in that Respondent committed acts of unprofessional conduct and / or violated provisions  
8 of the Psychiatric Technicians Law. Complainant refers to and by this reference incorporates the  
9 allegations set forth above in paragraphs 10 14, inclusive, as though set forth fully.

#### 10 **DISCIPLINE CONSIDERATIONS**

11 16. To determine the degree of discipline, Complainant alleges that:

12 a. On or about an effective date of December 20, 2001, in a prior disciplinary action  
13 entitled *In the Matter of the Statement of Issues Against Justin Paul Moranville*, Case  
14 No. T-1016, before the Board, Respondent's license was issued, immediately revoked, with  
15 revocation stayed and placed on probation for three (3) years pursuant to certain terms and  
16 conditions. That decision is now final, attached as Exhibit "A", and incorporated by reference as  
17 if fully set forth. The decision incorporates stipulated factual findings as follows:

18 (1) On or about July 10, 2000, in a criminal proceeding entitled People vs. Justin Paul  
19 Moranville in the San Luis Obispo Superior Court, Case Number M000298108,  
20 Applicant/Respondent was convicted by plea of nolo contendere of one count of section 20002 of  
21 the vehicle Code (vehicle involved in an accident – a misdemeanor).

22 (2) On or about July 18, 1995, Applicant/Respondent was arrested and subsequently  
23 placed on drug diversion by a court order from the San Luis County Municipal Court, resulting in  
24 a finding that Applicant/Respondent was under the influence of a stimulant, to wit,  
25 methamphetamine.

#### 26 **PRAYER**

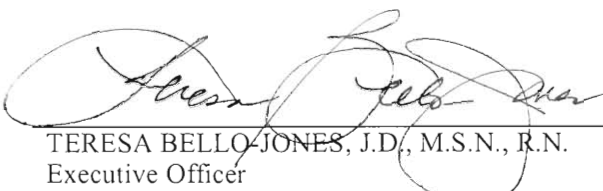
27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
28 and that following the hearing, the Board issue a decision:

1           1.     Revoking or suspending Psychiatric Technician License No. PT 31145, issued to  
2 Respondent;

3           2.     Ordering Respondent to pay the Board the reasonable costs of the investigation and  
4 enforcement of this case, pursuant to section 125.3; and

5           3.     Taking such other and further action as deemed necessary and proper.  
6

7  
8 DATED: May 12, 2011  
9

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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